

THE RICHMOND DAILY REGISTER

Established 1865—57th Year —No. 14

Richmond, Madison County, Ky. Tuesday, January 17, 1922

Price Five Cents

CITY'S ANSWER IN PHONE RATE CASE

Questions of Company's Investment Here and Service Rendered Are Emphasized

Ex-City Attorney J. P. Chienault and present City Attorney H. C. Rice, have filed answer for the city in the suit of the Cumberland Telephone and Telegraph Company against the city of Richmond to prevent decrease in the war-time phone rate in Richmond.

A temporary injunction from Judge A. M. J. Cochran of the U. S. Court, is now in effect, restraining the city from enforcing return to phone rates which were in effect before the war. The phone company alleges that its investment and expense is such that lower rates would now be confiscatory and therefore in violation of the Constitution.

Suggestions have been made that perhaps an informal conference of phone officials and city officials and business men might accomplish more toward obtaining first class service at reasonable rates for Richmond than any other means.

Anyway, the City's answer goes into the question of service and investment by the phone company at length. Numerous technical points in the petition are admitted or denied in the answer as follows:

Defendant denies that the value of the plaintiff's property within the State of Kentucky, used exclusively in furnishing its said exchange service at its exchange at Richmond, Ky., is at this time in excess of \$108,000.

Defendant admits that portion of the original franchise granted by defendant, the City of Richmond, which purports, as a condition of said franchise to fix the rates to be charged by plaintiff for its exchange service outside the corporate limits of the City of Richmond, is separately and severally void, for the reason that it is ultra vires the municipal powers of the City of Richmond, granted under the Constitution and laws of the State of Kentucky.

The defendant further answers and cross-bills herein states that under section 8 of its franchise contracts with this plaintiff, which said action reads as follows:

"The purchaser shall employ and keep at work a sufficient number of experienced, efficient and competent operators, rent and competent operators promptly and efficiently at all times long distance and country service and to give at all times the best and most efficient service."

It is the duty of the plaintiff to its patrons and subscribers in Richmond, Ky., the best and most efficient service. That plaintiff has breached and violated this said clause of their said franchise contract continually and intermittently since the execution of same, and this notwithstanding the repeated and insistent complaints of this defendant, and demands that said service be improved, and notwithstanding the myriad promises on the part of the plaintiff to improve their said service and comply with the hereinafter quoted covenant of the said contract.

"That plaintiff's continued and flagrant breach and violation of said covenant has caused and is causing great and unending vexation, delay and annoyance to the resident citizens of this defendant city, users of and subscribers to plaintiff's telephone service in Richmond, Ky. That plaintiff's willful neglect of and violation of its said efficiency covenant, herein above quoted, is wholly and totally inexcusable and is so gross as to be a menace to, and to endanger the lives and property of, the citizens of Richmond in cases of emergency such as sickness, and fires. That this plaintiff ought to be required by this court to improve and perfect its said telephone system and service in the City of Richmond, Ky., to the standard reasonably contemplated in said section 8, of its franchise with this defendant under penalty of forfeiture of its franchise."

Further answering, defendant states that the revenue derived plaintiff from the operation of its telephone properties, exclusively situated in and used in the cor-

porate boundaries of this defendant city, under the rates put into effect by the ordinance (Ex. No. 4), adopted October 6, 1921, by this defendant, cover and above its necessary costs of operation and maintenance earn this plaintiff a higher return on the actual value of its said telephone properties, located and used exclusively within the boundaries of this defendant city, than is fair and reasonable, having regard to the conditions and circumstances under which the services are rendered, and also having regard to the character and quality of the service rendered and to the efficiency of same; but this defendant is unable to state the exact figures of the cost and revenues of such operation of plaintiff's said telephone property within the boundary of the city of Richmond, Ky., exclusively, and said figures are solely within the knowledge of the plaintiff; and this Court, in the adjudication of the issues involved herein should reduce said rates, so fixed by the ordinance of October 6, 1921, to a schedule of rates which to it may seem fair and reasonable, from a true statement of the gross receipts and expenditures of plaintiff in the operation of its telephone properties located and operated exclusively within the boundaries of the city of Richmond, Ky.

Wherefore, defendant prays judgment and decree of this court:

1. That the bill of the plaintiff herein be dismissed and none of the relief therein sought granted, and that the temporary order of injunctions heretofore granted plaintiff herein be finally dissolved.

2. That the plaintiff be required to make restitution to its patrons in the city of Richmond, under its franchise bond, of such sums as it may be unable to appear it has wrongfully over-charged them for telephone service.

3. That this plaintiff be required to make a full, accurate and complete statement and showing of the gross earnings and expenditures of plaintiff's telephone properties located and operated exclusively within the boundaries of the city of Richmond, Ky.; and that from said statement and showing this Court shall judge and fix a schedule of rates which this plaintiff may charge its patrons in the city of Richmond, Ky., the same to be reasonable and fair, the conditions and circumstances under which the service furnished is rendered being taken into consideration the character and class quality and efficiency of the service rendered.

4. That this Court require the plaintiff to improve the quality and efficiency of its service furnished to its patrons in Richmond, Ky., under penalty of forfeiture of its franchise, heretofore granted it by this defendant.

5. For such other and further relief as may be just and equitable and to which it may appear entitled in every respect of the case.

LITTLE GIRL A FINE TOBACCO GROWER

Miss Beulah Mae Goin, little granddaughter of J. D. Long, of Round Hill, made another record for her crop of tobacco at sales on the Richmond floor last week. This little lady, who always cultivates a little patch of weed at the time her grandfather is working his, had 80 pounds of her regular crop and about 50 pounds of leaves which she had harvested after her grandfather had put his in the barn. She got hers in good shape and sold it from 49c to 60c a pound, the entire batch realizing her \$54.20.

Young Racers At Louisville

Louisville, Jan. 17—Thoroughbreds, valued by their owners at more than \$1,000,000, are in winter quarters at Douglas Park and Churchill Downs here. Included among them are the highly bred youngsters in the stables of John E. Madden, the racers trained by Alex Gordon for "Bud" Fisher, the cartoonist, the 2-year-olds of the Jones Brothers and many other well known thoroughbreds. Because of the open winter in Louisville, the youngsters, which became 2-year-olds in January, already have begun their first racing lessons.

BANDITS PULL OFF ANOTHER HOLDUP IN CHI

(By Associated Press)
Chicago, Jan. 17—Crowding their automobile to the curbstone and opening fire without warning, four armed bandits wounded and robbed two messengers of the Citizens Trust and Savings Bank of \$12,000 today. The messengers were shot in the neck.

BRYAN MAY ADDRESS ASSEMBLY

(By Associated Press)
Frankfort, Ky., Jan. 17—Both houses of the legislature today passed a resolution inviting Wm. Jennings Bryan to address a joint session next Thursday.

The Senate today confirmed the nomination of Captain W. J. Stone to be Commissioner of Confederate Pensions.

Mrs. Mary Plannery, representative from Boyd county, today introduced a bill providing for free text books in public schools. Representative Sholder, of Russell county, introduced a bill creating a bathing commissioner and requiring everybody to take a bath once a year.

HOUSE UNSEATS REP. JOHNSON

(By Associated Press)
Frankfort, Ky., Jan. 17—In the House today, H. C. Duffy, chairman of the Cundiff-Johnson contest, reported the committee decided that Johnson was ineligible and recommended that Johnson be unseated and Cundiff seated. It was made a special order of business for next Friday.

Ambassador To Germany May Be Named This Week

(By Associated Press)
Washington, Jan. 17—The German government has notified the American government that Ambassador B. Houghton, now a member of the House from New York, will be acceptable as Ambassador and Houghton's name may be sent to the Senate this week.

Senate Passes Resolution On Newberry Case

(By Associated Press)
Frankfort, Ky., Jan. 17—The State Senate today passed a resolution by a vote of 21 to 14, condemning the action of the United States Senators in voting to grant seat to Senator Newberry, of Michigan. Senator Daugherty, supporting the resolution, appealed to the Senate to "send to the people of the state and of the world word that Kentucky condemns such action."

Ku Klux Case Starts Trial In Oklahoma

Ardmore, Okla., Jan. 17—A case, which in the words of State Attorney General S. P. Freeling, "will mean the life or death of the Ku Klux Klan in Oklahoma," will be called here today when H. L. Carter, county's most prominent citizens are to be arraigned before Judge Thomas W. Champion in district court for trial on charges of murder. The defendants, all well known business and professional men of the county, were among seventeen arrested following an attack by 9 masked men upon Joe Carroll at his home in Wilson the night of December 15, when three men, one of them Carroll, were fatally shot.

Two Stills Captured In Carroll

Carrollton, Ky., Jan. 17—Sheriff B. H. Robertson, Jr., captured two moonshine stills and about 200 gallons of mash in Prestonville, Carroll county.

Letcher Merchant Slain

Whitesburg, Ky., Jan. 17—John Moore shot and killed John Sexton, merchant last night at Camp Branch Creek, according to reports reaching here today. Sexton was shot through the head and died instantly. Moore was arrested and brought to Whitesburg jail by Sheriff James Combs. The grand jury now in session, will investigate the murder.

More Improvements To The Stouffer Store

The J. B. Stouffer Company, delayed in the remodeling of their building on account of unexpired leases of the rooms upstairs, have just about completed their improvements and have made a beautiful addition to Main street with their new front and big display windows. The management stated Tuesday that furniture had been purchased for the suit room and should reach here the first of the month, and that new lines will be added from time to time to this splendid ladies' store, making it complete in every particular.

WHITLEY COUNTY WOMEN ASSASSINATED

By Men Posing As Dry Agents Force Into Their Home—Rewards Offered

(By Associated Press)
Williamsburg, Ky., Jan. 17—Warrants charging murder against Lum Jones, Oscar King and Henry Overton of the Tiny Branch neighborhood, were forwarded to deputy sheriffs of that section for service today. The men are alleged to have killed Mrs. Lillie Pratin, young wife of a Whitley county farmer, and shot her sister-in-law, Mrs. Lillie Hurst. The house was riddled with bullets by three men posing of revenue officers.

Williamsburg, Ky., Jan. 17—Mrs. Lillian Partin, young wife of a Whitley county farmer, was shot to death, and her sister-in-law, Mrs. Lillie Hurst, was severely wounded last night when three men, posing as prohibition agents, riddled their home with bullets.

The women were at home alone except for their children, when bullets crashed through the walls of the farm house. Mrs. Partin was killed by almost the first shot. Her sister, shot through the body, fell soon.

After the rifle fire halted, according to statements made by Mrs. Hurst, three men, all apparently under the influence of liquor, broke into the house. They shouted that they were government agents hunting liquor and meant to search the house.

When they saw the two women lying on the floor, with the crying children gathered around them, the slayers fled. Today murder warrants were issued by Mrs. Partin's father, against Lum Jones, Oscar King, and Henry Overton, all of Campbell county, Tenn., just across the state line.

A reward of \$50 for each man was offered by Mr. Partin, a farmer, and Williamsburg citizens are planning to increase the reward. Gov. Morrow also will be asked to offer a reward.

NIGHT ATTACKS ON FEUDISTS HOMES

London, Ky., Jan. 17—Reports reached here today of an attack on homes of several members of the Benge faction near Portersburg, Clay county, Saturday night and Sunday morning. It is said that fully 50 shots were fired into the home of Walter Benge, but none of the family were injured, although many of the steel bullets pierced the walls. A similar attack is alleged to have been made on Marsh Bowling's house early Sunday morning.

Leaders of the Benge faction charge that the Philpot-Martins are carrying on a campaign of intimidation to prevent witnesses from going to Manchester where Steve Martin is to be tried next week for the killing of Wood Benge, more than a year ago. Telford Benge, leader of the Benge faction, who moved to this county several weeks ago, with several of his friends, passed through here yesterday on their way to Manchester "to attend court. Benge, who has a record as a gun fighter, but who has no charges against him in court at this time, says that he does not believe any trouble between the factions will occur at Manchester, while the 50 soldiers are on duty, but fears that clashes will occur on the roads when members of the two clans meet on their way to attend court. Fully 200 men are involved in the feud. All travel in crowds heavily armed.

Popular Post Story At Alhambra Tonight

In "Is Life Worth Living?" in which Eugene O'Brien, popular Selznick screen star, is scheduled to appear at the Alhambra tonight, readers of the Saturday Evening Post will recognize a story which appeared in that widely circulated publication not many months ago under the title of "The Open Door." The story from the pen of George Weston whose contributions are to be found in the Post and other magazines with great regularity from time to time.

RURAL CARRIER NEEDED AT NEWBY

The United States Civil Service Commission has announced an examination for Madison county to be held at Berea and Richmond on Feb. 11, to fill the position of rural carrier at Newby, and vacancies that may later occur on rural routes from other post offices. The salary of a rural carrier on a standard daily wagon route of 24 miles is \$1800 per year, with an additional \$30 per annum for each mile or major fraction thereof in excess of 24 miles. The salary on motor routes ranges from \$2450 to \$2600 per annum, according to length. The examination will be open only to citizens who are actually domiciled in the territory of a post office in the county and who meet the other requirements. Both men and women, if qualified, may enter the examination, but appointing officers have legal right to specify the sex desired in requesting certification of eligibles. Women will not be considered for rural carrier appointment unless they are the widows of U. S. soldiers, sailors or marines, or the wives of U. S. soldiers, sailors or marines who are physically disqualified for examination by reason of injuries received in the line of military duty.

Undergoes Operation

Miss Nora Hatton, the 13 year old daughter of Mr. and Mrs. Joe Hatton, on Estill avenue, submitted to a very serious operation at the St. Joseph Hospital, Lexington, Monday afternoon, with the hope of restoring her eyesight. The child lost her eyesight after a brief illness a year ago, the cause of which could not be learned and she was advised by local physicians to have an operation, which was performed by Dr. Deweese, of New York City, who seems greatly encouraged so far, as a report from Lexington at a late hour Monday night stated that the patient could distinguish objects much more clearly, and was very optimistic as to the outcome of the operation. She was accompanied to Lexington by her parents and one or two close friends, who have been greatly interested in her case, and who sincerely hope for her a very speedy recovery.

Minstrel Parade Looked Good

Crowds thronged the street to view the Legion minstrel parade this afternoon at 2:30. The boys gallantly followed drum major Bill Elder and were drawn up at the rear by the American Legion Band under the direction of Col. James Leeds.

The principal streets of the city were covered and from the looks of the organization one would have thought old Al G. Fields and his big company had struck town. The boys were dressed in long brown uniforms with hats to match and the parade is only a forerunner of the big show that will be pulled off tonight and Wednesday. Already the second night's show promises to be greeted by a full house.

Tickets for Wednesday's show on sale at Perry's drug store.

Bendits Make Daring Holdup of Collector

Louisville, Jan. 17—Police are searching for the armed automobile bandits who held up F. E. Bridges, collector for the Standard Oil Company, in front of the main office at Fifth and Bloom streets. The holdup men obtained \$75 that Bridges had in a small satchel he was carrying, but overlooked \$750 that he had placed in his overcoat pocket after collecting the receipts of several branches of the company.

The Weather

Cloudy with probably snow or rain tonight and Wednesday; slightly warmer tonight.

Today's Livestock Markets

Cincinnati, Jan. 17—Cattle steady; hogs 50c higher; Chicago 50c higher.

Louisville, Jan. 17—Cattle 700; steady tops \$6.75; hogs 1,200; 25c higher, tops 88; sheep 50; steady and unchanged.

TO GET 10 MILLION FROM WAR FINANCE

(By Associated Press)
Lexington, Ky., Jan. 17—The War Finance Corporation will be asked for an initial loan of ten million dollars by the Burley Tobacco Growers' Co-operative Association, and Vice President Bush W. Allin, of Harrodsburg, went to Washington today bearing a petition and necessary papers to presents to the officials of the Corporation. It is stated that the proposed loan will be used to refund advances made by rural banks to the association. The ten million dollars is expected to be the first of a series of loans the Corporation may be asked to make the organized growers to enable them to finance the 1921 crop.

Weed Cheap In Wisconsin

(By Associated Press)
Janesville, Wis., Jan. 17—Tobacco is being sold in farmers' sheds for 6 cents a pound for the old crop to 15 cents for the best of this year's crop.

Inventor Dies

(By Associated Press)
Rochester, N. Y., Jan. 17—Geo. Baldwin Selden, inventor of the first gasoline propelled vehicle and pioneer in the automobile industry, died at his home here today. He was 77 years old.

Severe Earthquake Shock

(By Associated Press)
Washington, Jan. 17—An earthquake described as "very severe," and estimated to have occurred 2,500 miles south of here, was recorded on the seismograph at Georgetown University, early today. The quake lasted eight minutes.

What Do You Think of This?

(By Associated Press)
New York, Jan. 17—Part of the heart of a chicken that never was hatched, was beating today on the tenth anniversary of its removal from embryo and isolation, by Dr. Alexis Carrel, of the Rockefeller Institute. The tissue fragment was still growing and its pulsation visible under the microscope, Dr. Carrel said.

Prominent Louisville Stockyard Man Dead

(By Associated Press)
Louisville, Ky., Jan. 17—Geo. Wallace Embury, 65 years old, nationally known as an organizer and stockholder of stockyards in many cities, died of hardening of the arteries at his home here today. He came to Louisville 40 years ago.

Distillery As Tobacco Warehouse

Eminence, Jan. 16—A stock company has purchased the Emence distillery plant here for \$42,500. The plant will be used as a warehouse by the cooperative association this year as its house recently was destroyed by fire.

German Importations Grow

German importations led those of all other countries cleared through the Louisville office last year, according to the records of Thomas L. Walker, collector. The aggregate value of all importations for the year was \$8,000,000 or more than 25 per cent more than was cleared there in 1920.

Important To Farmers

There will be a meeting of farmers at the following places on the dates and at the hour named herein: College Hill, Friday, Jan. 20, at 2:30 o'clock; Pine Grove church at 7 o'clock; Red House M. E. church, Thursday, Jan. 19, at 2 o'clock; Union City high school Saturday, Jan. 21, at 7 p. m. We want every farmer in the community to attend. A first class speaker will discuss the farmer's problems and their relief. It will be worth while.

MAY REACH THREE MILLION MARK SOON

A Lot of High Grade Tobacco Arrives Here For Sale From Eastern Kentucky

Sales at the Home warehouse started off again Monday morning with the main floors full of tobacco. Farmers who were on sale noted that prices on all grades were better than at close of Friday's sale. Several car loads arrived Monday and some good quality tobacco is included in the shipment. The Home House expects to go over the three million pound mark this week. Some sales Monday included:

Miller and Newby sold: 225 pounds at 32c; 230 at 40; 340 at 42; 240 at 37; 310 at 28; 185 at 20; 35 at 34-4.

Bob White sold: 255 pounds at 35c; 165 at 30; 230 at 27; 55 at 24; 160 at 25; 105 at 14-1-4.

Thos. Candill sold: 110 pounds at 12-1-2; 30 at 28; 55 at 39; 15 at 10; 80 at 25; 85 at 25.

S. W. Million sold: 150 pounds at 10-1-4; 55 at 27; 85 at 28; 45 at 18-3-4; 25 at 26; 100 at 20; 140 at 27; 20 at 8-1-4; 45 at 5; 85 at 4.

Phelps and Miller sold: 70 lbs. at 13c; 69 at 25; 190 at 31; 250 at 42; 50 at 33; 360 at 30; 130 at 6.

Jas. Willis sold: 150 pounds at 47c; 100 at 7-3-4; 255 at 9; 185 at 7; 170 at 5-40; 130 at 5-10; 135 at 4; 255 at 47c.

Cale Hicks sold: 250 pounds at 7c; 70 at 16-1-4; 245 at 29; 130 at 25; 85 at 12; 25 at 8; 220 at 5; 40 at 9.

Burns and Reynolds sold: 125 pounds at 30c; 105 at 36; 100 at 30; 190 at 30; 205 at 34; 100 at 27; 95 at 23; 145 at 15.

Perkins and Johnson sold: 180 pounds at 2; 240 at 11-1-4; 235 at 29; 155 at 26; 330 at 33; 240 at 34; 320 at 34; 330 at 28; 305 at 28; 85 at 13-1-4; 75 at 5-60.

Jones and Sowers sold: 185 pounds at 22c; 200 at 29; 100 at 20; 115 at 12-3-4; 250 at 47; 115 at 7; 100 at 25; 135 at 40; 270 at 43; 185 at 37; 30 at 13-3-4.

Hayes and Hayes sold: 145 pounds at 5c; 25 at 19; 50 at 8; 25 at 18-1-2; 175 at 26; 200 at 26; 145 at 19-1-2; 100 at 16-1-2.

B. F. Turtle sold: 45 pounds at 22c; 50 at 40; 50 at 41; 75 at 41; 85 at 35; 20 at 25; 10 at 7-3-4.

T. G. Million sold: 1-0 pounds at 32c; 100 at 34; 165 at 43; 90 at 44; 190 at 46; 110 at 47; 200 at 41; 185 at 43; 115 at 35; 270 at 35; 55 at 29; 80 at 28; 175 at 15.

J. L. Sanders sold: 210 pounds at 25c; 250 at 4c; 180 at 44; 185 at 41; 265 at 38; 140 at 25; 135 at 9-3-4; 60 at 22; 200 at 55-60.

Allie Murphy sold: 200 pounds at 49c; 75 at 11-3-4; 255 at 12; 65 at 21; 45 at 26; 170 at 22; 215 at 29; 125 at 12-1-2; 350 at 19; 535 at 5-40; 410 at 7-3-4.

Haden and Fox sold: 85 lbs. at 27c; 80 at 43; 35 at 40; 170 at 45; 125 at 43; 85 at 29; 65 at 17-1-4; 220 at 24.

John Turner sold: 100 pounds at 18-3-4; 105 at 37; 115 at 34; 195 at 28; 200 at 26; 235 at 8-1-2.

Cecil Whitaker sold: 180 lbs. at 26c; 250 at 38; 200 at 35; 205 at 30.

H. T. Ross sold: 135 pounds at 24c; 50 at 30; 165 at 39; 145 at 29; 190 at 37; 40 at 37; 235 at 28; 55 at 15; 75 at 7-3-4.

Bronston and Agee sold: 60 lbs. at 15c; 200 at 20; 150 at 39; 40 at 35; 50 at 32; 150 at 30; 105 at 23; 145 at 18-3-4; 70 at 25; 165 at 6; 85 at 0; 150 at 47-0.

Burns and Reynolds sold: 245 pounds at 37c; 170 at 40; 350 at 42; 185 at 35; 155 at 32; 185 at 31.

Thaxton and Tucker sold: 140 pounds at 17-3-4; 135 at 23; 225 at 28; 215 at 27; 70 at 33; 100 at 37; 315 at 30; 155 at 19; 220 at 14; 230 at 13-3-4; 160 at 30; 145 at 31; 115 at 31; 100 at 32; 155 at 35; 320 at 27; 140 at 29-1-2; 310 at 30; 225 at 20; 275 at 13; 310 at 5; 355 at 5-10; 430 at 3-90; 400 at 3-50.

Hoover and Reynolds sold: 200 at 22c; 100 at 30; 135 at 39; 50 at 29; 360 at 23; 80 at 7-3-4.

1921 Death Rate Lower

While months must elapse before complete figures are available, Kentucky's death rate in 1921 was about 10 per cent lower than in 1920, J. F. Blackerby, Register of the Bureau of Statistics of the State Board of Health, announces today. There were 28,823 deaths in the latter year, while in the first eleven months of 1921 there were only 22,427 deaths.